

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

EMPLOYERS INSURANCE OF WAUSAU PLAINTIFF

V. CIVIL ACTION NO. 1:00CV432-B-D

BASIL G. DISHONGH, JR. AND

VALLEY CONSTRUCTION COMPANY DEFENDANTS

ORDER

This cause comes before the Court upon the plaintiff's motion to correct memorandum opinion and order. On July 1, 2002, this Court granted summary judgment in favor of the plaintiff without ordering entry of a judgment reflecting the specific sums owed by the defendants. The Court found that Employers Insurance of Wausau paid subcontractors and suppliers amounts owed by Valley Construction totaling \$688,729.33. In addition, Wausau paid \$21,630.54 to Forcon International to assess Valley's financial condition.

The Court now amends its original order and hereby orders entry of judgment reflecting the sums owed, including post-judgment interest and costs to which the plaintiff is clearly entitled based upon the indemnity agreement between the plaintiff and the defendants. However, with respect to attorneys' fees, the Court orders the plaintiff to file, within ten days of the date of this order, a separate motion with an itemization of the hours worked and a brief applying the factors of Mississippi's test for reasonableness of attorneys' fees to the case at bar.¹ The defendant may file any objections thereto within fifteen days thereafter. The Court withholds its ruling as to attorneys' fees until such time as the said motion is filed and considered.

It is, therefore,

ORDERED that the plaintiff's motion is **GRANTED** as to its requested relief, excluding

¹See, e.g., Bumgarner v. Bumgarner, 475 So. 2d 455 (Miss. 1985).

attorneys' fees. The Clerk of the Court is **ORDERED** to enter judgment in favor of the plaintiff in the amount of \$710,359.87 plus post-judgment interest at the rate allowed by law and court costs.

This, the _____ day of September, 2002.

NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE